

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**HARRY E. WILLIAMS, JR.,**

**Plaintiff,**

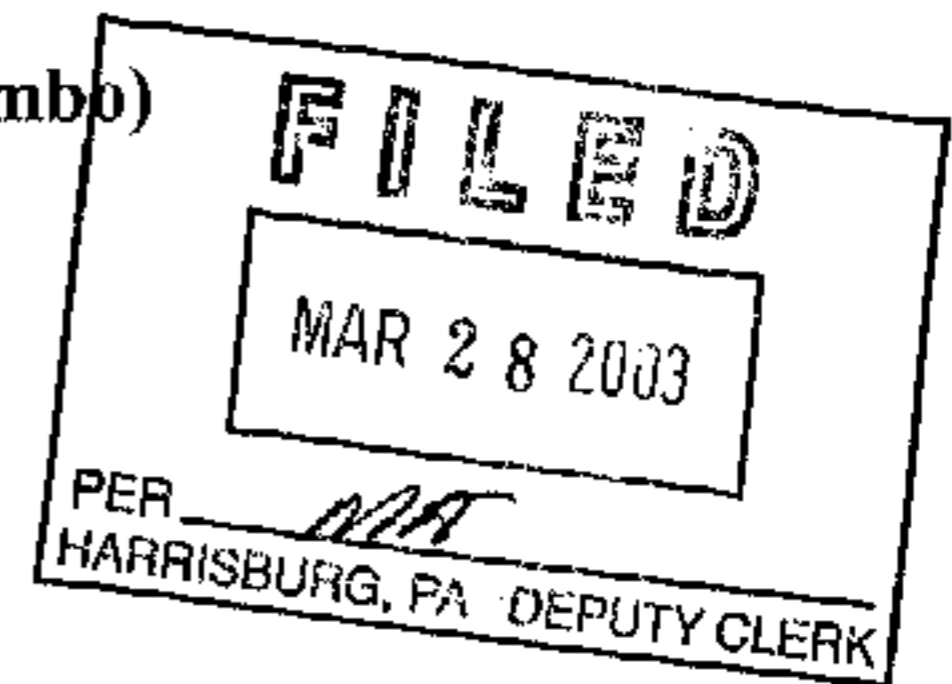
**V.**

**PENNSYLVANIA TURNPIKE  
COMMISSION,**

**Defendant.**

**CIVIL ACTION  
NO. 1:CV 01-0877**

**(Judge Rambo)**



**DEFENDANT, PENNSYLVANIA TURNPIKE COMMISSION'S,  
AMENDED VOIR DIRE QUESTIONS**

Defendant, the Pennsylvania Turnpike Commission, by its undersigned counsel, proposes the following questions be posed to the jury panel on voir dire and that such follow up examination be conducted as may be warranted by the responses received:

**INTRODUCTION**

This is a lawsuit brought by Harry E. Williams, Jr. ("Plaintiff") against the Pennsylvania Turnpike Commission. In this lawsuit, Plaintiff is claiming that the Pennsylvania Turnpike Commission failed to promote him in April 1999 to the position of Duty Officer in retaliation for objecting to the Pennsylvania Turnpike Commission's alleged treatment of a fellow employee, Terri Edwards. The Pennsylvania Turnpike Commission denies these allegations, and will explain that

Plaintiff was not promoted to the Duty Officer position simply because he was not qualified for the position.

Our judicial system requires that parties to a case such as this one must have a trial before a fair and impartial jury. Therefore, I am now going to ask you certain questions so that the Court and the parties can be satisfied that the jurors who decide this case are likely to be fair and impartial. It is important that you answer these questions candidly and honestly.

1. The Plaintiff in this case is Harry E. Williams, Jr. who resides in Middletown, Pennsylvania. Are you or is any member of your family or are any of your friends related by blood or marriage to Plaintiff or acquainted with Plaintiff in any way?

2. The Pennsylvania Turnpike Commission is a party in this case. Are you or is any member of your family or are any of your friends a present or past employee, or contractor for, the Pennsylvania Turnpike Commission?

3. The attorney for Plaintiff, Harry E. Williams, Jr. is Andrew J. Ostrowski, Esquire. Have you or has any member of your family ever been:

- a. A client of this lawyer?
- b. Employed by this lawyer?
- c. Acquainted with this lawyer?

4. The attorneys for the Pennsylvania Turnpike Commission are Marvin L. Weinberg, Esquire and John C. Romeo, Esquire of the law firm of Fox, Rothschild, O'Brien and Frankel, LLP. Have you or any member of your family ever been:

- a. A client of ours?
- b. Employed by our Firm?
- c. Acquainted with us or anybody else at our Firm?

5. There are a number of persons who may be called as witnesses, or whose names may be mentioned during the course of the testimony. Please listen carefully to the following names as I read them to you and, if you are related by blood or marriage to any of these individuals or acquainted socially or professionally with them, please notify me of this by raising your hand after the individual names have been read:

- a. Terri Edwards
- b. Ronald Frank
- c. Joseph Rispoli
- d. Joanne Gitto-Davis
- e. John Martino
- f. William Capone
- g. Fred Jumper
- h. Dale G. Wickard, II
- i. Paul Heckman

- j. Joseph P. McCool
- k. Gregory Richards
- l. Sheryl L. Williams
- m. Gregory R. Rausch
- n. Joseph Ferguson
- o. Marsha K. Evans
- p. Todd A. Leiss
- q. Darwin Kell, Jr.
- r. Michael S. Kennedy
- s. Daniel Bretzman

6. Do you have any doubt that you will be able to render a fair and impartial verdict in a case involving claims of retaliation?

7. This case involves allegations that Plaintiff complained about the alleged treatment of another employee, Terri Edwards, and was not promoted to the position of Duty Officer due to his complaints regarding Ms. Edwards. Will the fact that Plaintiff objected to his employer on behalf of another employee bias you in any way or make you incapable of making a fair decision in this case?

8. Have you or has any member of your family ever been a lawyer, received any legal education or training, or been employed by a lawyer, judge or court?

9. Have you or has any member of your family ever been demoted, fired, suspended, or passed over for a promotion from any job?

10. Have you or has any member of your family ever managed or supervised anyone at their job?

11. Have you ever recommended or been involved in the decision to promote (or not to promote) a person in his or her job?

12. Have you or has any member of your family ever been a member of or otherwise associated with a labor union?

13. Have you or has any member of your family ever been involved in claims regarding discrimination in the work place (i.e. race, sex, age, disability, religion, etc.) or retaliation in the workplace?

14. Have you or has any member of your family ever filed a grievance, claim, charge or lawsuit against an employer or former employer alleging discrimination (i.e. race, sex, age, religion, disability, etc.) or retaliation?

15. Have you, or anyone close to you, ever accused someone or some employer of discrimination or treating someone else unfairly because of their race, sex, age, religion, disability, or national origin?

16. Under the law, both sides (i.e., the plaintiff and the defendant) have the right to be treated equally in all aspects of this case. With this in mind, would you have any difficulty entering a verdict in favor of the Pennsylvania Turnpike

Commission if the Plaintiff fails to prove that he was retaliated against for objecting to the alleged treatment of a co-worker?

17. Have you or has any member of the panel or any member of your family ever been a party to or participated in any way in litigation or court proceedings? If so:

- a. What was the nature of the proceedings?
- b. Were you or another member of your family a plaintiff or claimant, a defendant, or a witness?
- c. Who were the plaintiffs and defendants in the case(s)?

18. Would the fact that the Defendant in this case is the Pennsylvania Turnpike Commission bias you in any way or make you incapable of making a fair decision in this case?

19. The Plaintiff has the burden of proving his allegations against the Pennsylvania Turnpike Commission by a preponderance of the evidence. The mere fact that Plaintiff has filed a lawsuit will not alone entitle the Plaintiff to recover any damages. Do you have any reason to believe you could not follow this legal rule?

20. Do you feel that because a person has filed a suit claiming an injury that he or she should be awarded money without proving that it was caused by improper and unlawful conduct?

21. Do you have any feeling of sympathy in favor of employees and against employers?

22. The law is such that the plaintiff, who has the burden of proof, puts on all his evidence first. Thereafter, the defendant will put on its evidence. Do you believe you are so biased either for or against the plaintiff or the defendant that you would not be able to keep an open mind until you have heard all the evidence?

23. Do you feel you might be more likely to find against the Pennsylvania Turnpike Commission simply because it is a public agency, as opposed to an individual?

24. Do hold any attitudes or beliefs about public agencies that might interfere with your ability to be a fair and impartial juror in this case?

25. Do you believe that an employer has the right to establish performance standards to be followed by all employees?

26. Do you believe that an employer has the right to establish certain minimum standards for job positions?

27. Do you believe that managers are entitled to make business decisions and judgments about the performance of employees who work for them?

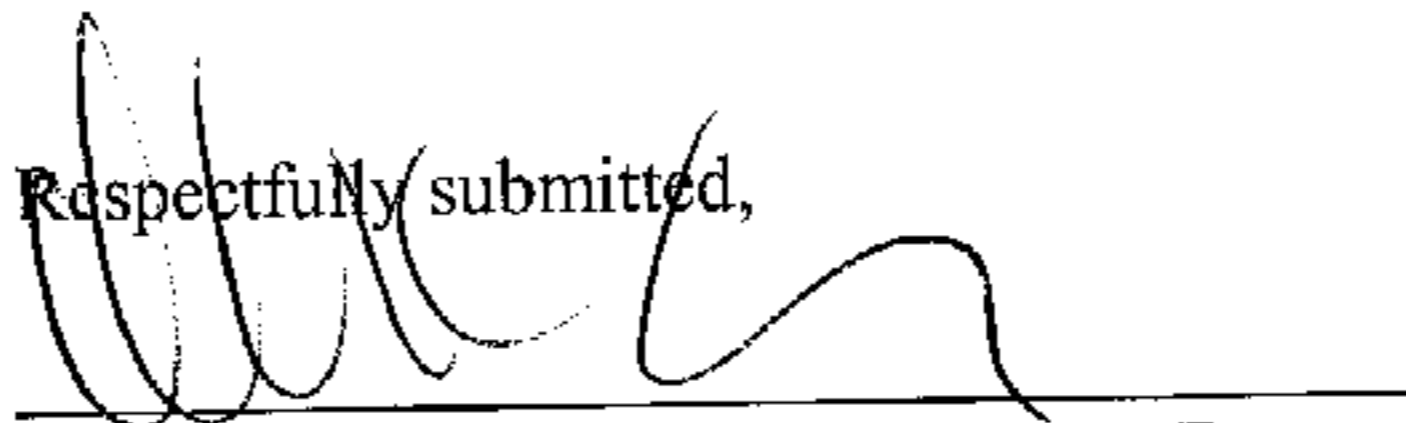
28. Do you believe that managers are entitled to make business decisions and judgments about who would best perform certain jobs?

29. Have you or has any member of your family ever worked for a public agency?

30. Do any of you feel that you will not be able to return a fair and impartial verdict in this case for any reason?

31. If selected, do you promise to be open minded, to apply the proper burden of proof and to render a verdict based solely on the evidence and the law?

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marvin L. Weinberg', is written over a horizontal line.

MARVIN L. WEINBERG, ESQUIRE

JOHN C. ROMEO, ESQUIRE

FOX, ROTHSCHILD, O'BRIEN AND FRANKEL, LLP

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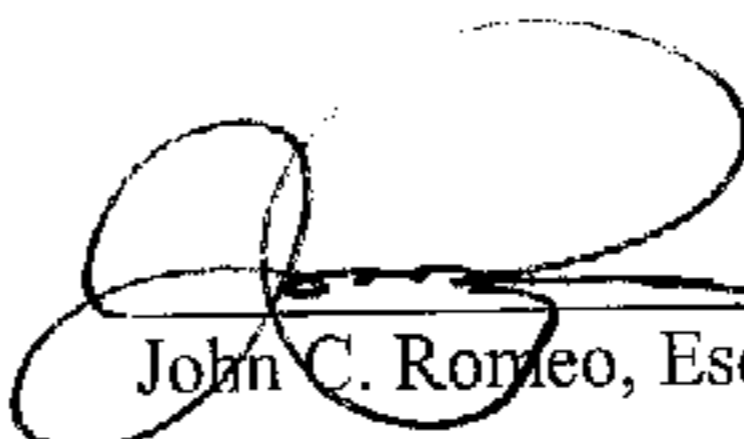
Attorneys for Defendant,  
Pennsylvania Turnpike Commission

Dated: March 28, 2003

**CERTIFICATE OF SERVICE**

I, John C. Romeo, hereby certify that a true and correct copy of the foregoing Voir Dire Questions was served upon counsel for Plaintiff via facsimile and first class mail on the 28<sup>th</sup> day of March, 2003, addressed as follows:

Andrew J. Ostrowski, Esquire  
4311 North Sixth Street  
Harrisburg, Pennsylvania 17110



John C. Romeo, Esquire

Dated: March 28, 2003